SCIENCE TALENT SEARCH

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1985

● Mr. OWENS. Mr. Speaker, the Science Service recently announced the names of 300 outstanding young American men and women who have been chosen to receive honors in the annual Westinghouse Science Talent Search. Established in 1941, the Science Talent Search was founded to identify and honor high school seniors who demonstrate the potential to become promising research scientists and engineers of the future.

I am proud to note in the CONGRESSIONAL RECORD today that two young people from my congressional district were selected by the Science Service to receive honors among this prestigious group of students. Ms. Peggy Delinois, a student at the Bronx High School of Science and a resident of the Brooklyn College area, was honored for her research project "Search for the Relationship Between the Location of Fibronectin and of Platelets in Narrow Spaces." Mr. Michael Alleyne Baird, a student at Prospect Heights High School and a resident of the Prospect-Lefferts Gardens neighborhood, was honored for his research project "Coenzyme Q Is Linked to a Peptide: Purification and Characterization."

It is with great pleasure that I join the family, friends, and teachers of these young people in congratulating them for their early scholarly distinction. For both their present achievements and the many valuable contributions sure to come, Ms. Delinois and Mr. Baird are a source of great pride for our entire community.●

DUCKING THE WORLD COURT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1985

● Mr. GREEN. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent oped piece which appeared in the Wall Street Journal on February 22, 1985, concerning the World Court controversy.

The author is Richard Gardner, professor of law and international organization at Columbia University, a former U.S. Ambassador to Italy and Deputy Assistant Secretary of State for International Organization Affairs under Presidents Kennedy and Johnson. Mr. Gardner makes two points which are key to the issue.

First, that by refusing to accept the jurisdiction of the World Court in this instance, a jurisdiction which we had sought and accepted in the past, the United States has undermined the World Court as a "useful vehicle for developing sensible rules of international behavior."

Second, that the reputation of the United States as a law-abiding nation has been seriously damaged.

I enter this into the RECORD in the hope that the United States may attempt to undue this damage in any future instances involving the World Court and might learn from it in our current dealings in Central America.

IT WAS WRONG TO DUCK THE WORLD COURT

(By Richard N. Gardner)

"Realists" as well as "jurisprudes" have reason to question the Reagan administration's refusal to participate further in the case Nicaragua has brought against us in the International Court of Justice. Our national security is best served by strengthening, not weakening, those few international institutions that can promote stability and order in international relations.

Walking out of a proceeding before an international tribunal that finds it has valid jurisdiction over us is also profoundly un-American behavior. Our founding fathers and leading statesmen throughout our history have believed the U.S. has had moral as well as practical reasons for advancing the rule of law among nations.

In 1946, with the overwhelming support of both political parties, including such conservative Republicans as Arthur Vandenberg and John Foster Dulles, we accepted the compulsory jurisdiction of the World Court. Since then, every Republican and Democratic administration until this one has seen a strengthened World Court as a useful vehicle for developing sensible rules of international behavior.

The "covert" aid to the Nicaraguan insurgents that the Reagan administration began in 1981 was a questionable operation on both legal and practical grounds. Having started down this road, however, the administration might have limited its international liability by terminating our acceptance of the World Court's compulsory jurisdiction or adding a reservation to it for cases involving armed conflict or national security. Whether by design or by inadvertence, it failed to do so.

It was thus in the awkward position of filing a modification of our acceptance of compulsory jurisdiction just three days before Nicaragua brought its case against us last spring. It did this in the face of a requirement of six months' notice, which the Senate approved in 1946 in order, as it said, to ensure that we would not change the nature of our obligation "in the face of a threatened legal proceeding."

The U.S. did raise some legally significant objections to the court's jurisdiction. But the fact is that every one of the court's judges except the American judge found some basis for jurisdiction. Among them were distinguished jurists from Britain, West Germany, France, Italy, Japan, Brazil and Argentina, none of whom can by any stretch of the imagination be regarded as politically biased against us.

It is therefore both unconvincing and unfortunate for the administration to impugn the integrity of the court by charging that it was "determined to find in favor of Nicaragua" and that it is in danger of becoming "more and more politicized against the interests of the Western democracies." While the political independence of some of the court's judges is open to question, the court's composition is essentially the same today as it was in 1962 and 1980 when our country successfully invoked its support in the peacekeeping-expenses dispute with the Soviet Union and the hostage case with Iran.

Nor is it convincing for the administration to argue that the court overstepped its powers because our controversy with Nicaragua is "political," involves armed conflict and touches the inherent right of self-defense. Article 33 of the United Nations Charter clearly specifies that the court may deal with the legal aspects of political controversies, as it did in the hostage and peacekeeping-expenses case. The U.S. has brought seven cases before the court involving armed attacks on American military aircraft. And our country has repeatedly and properly argued that national claims of self-defense raise issues of international law that can be reviewed by international bodies.

If we have a really convincing factual and legal basis for our support of the Nicaraguan insurgents on the ground of collective self-defense, as the administration believes, we should have been prepared to present it to the court, and our failure to do so cannot be justified on the ground that our evidence is "of a highly sensitive intelligence character." We did, after all, show satellite photographs of Soviet missile sites to the Security Council in 1962 when it was necessary to mobilize world support for the Cuban quarantine.

In short, we should have proceeded to argue the merits of our case, joined by El Salvador and Honduras, which have the right to intervene now and be heard, as the court itself has confirmed. The factual and legal complexities would have been so great as to delay a final court judgment for many months, perhaps a year or more. We could have used that time to negotiate through the Contadora process an end to both our intervention in Nicaragua and Nicaragua's intervention in El Salvador and Honduras.

The administration's walkout from the court signals, instead, a determination to continue our support for the Nicaraguan insurgents despite the formidable legal and political consequences. In the process we will have undermined both the World Court and the reputation of the U.S. as a lawabiding nation.●

NO MORE FUNDING FOR THE ANIMAL WELFARE ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1985

● Mr. BROWN of California. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues the Reagan fiscal year 1986 budget proposal to eliminate funds for the enforcement of the Animal Welfare Act. This is the fifth year that the Reagan administration has proposed to cut this program; this is the fifth time Congress will be called upon to restore these funds.

Mr. Speaker, the original Animal Welfare Act was passed in 1966 by a vote of 352 to 10 in the House and 85

to 0 in the Senate and strengthened in 1970 and 1976. This law was developed out of strong sentiment that animals should not be subjected to unnecessary pain or suffering. It enjoys the strong support of the American public. The act sets standards for humane care and treatment of certain warm-blooded animals used for biomedical research, exhibition purposes or sale through pet stores. Standards cover housing, sanitation, shelter, ventilation, feeding, watering, veterinary care, transportation, and separation of incompatible animals.

Last September, as chairman of the Subcommittee on Department Operations, Research and Foreign Agriculture, I held hearings on H.R. 5725, the Improved Standards for Laboratory Animal Act. This legislation would again strengthen the Animal Welfare Act. The message from all nonadministration witnesses was the clear: The Animal and Plant Health Inspection Service's [APHIS] enforcement of the Animal Welfare Act could be improved. Members of both the science community and the animal welfare community agreed that APHIS should receive more funds for this program, and that APHIS inspectors should receive more training, not less training.

While the Animal Welfare Act currently restricts cock and dog fighting, the sale of stolen dogs and cats to research facilities, and inhumane handling and care of animals, these events still occur. In fiscal year 1984, APHIS reported 200 alleged violations of the Animal Welfare Act. Of these incidents, there were 23 prosecuted, 5 dismissals, 26 civil penalties, and 8 license suspensions. In a February 19, 1985, press statement, APHIS reported settling eight cases of violations of the Animal Welfare Act in January.

APHIS also inspects research facilities with regard to animal care and housing. In testimony at the September hearings, an analysis of recent APHIS inspection reports gained from freedom of information requests was presented. The report noted that APHIS had found deficiencies in several laboratories throughout our country. While many of the deficiencies were corrected, they may not have been without the APHIS inspections. There is no reason to believe that violations of the Animal Welfare Act will stop if the enforcement program is eliminated.

Mr. Speaker, Members of this House are well aware of the growing public concern regarding animal care. Groups concerned about animal welfare are springing up around the country, with close to 2,000 humane societies in the United States, and membership in these organizations is increasing. The recent article regarding animals in Parade magazine, titled "Should They Have Rights"? received more mail that any other article run by Parade.

It is quite clear that a large portion of Americans feel strongly that the animal care laws are important and should be enforced. Eliminating funding for the enforcement of the Animal Welfare Act would make the law moot. Stopping enforcement of a law which has been on the books for close to 20 years, and one which has the support of a large sector of society, is an affront to our legislative system.

I recognize the need for fiscal restraint, but the elimination of these funds, only $4.8 million, will hardly make a dent in our national deficit. On the other hand, elimination of these funds would take our country a large step backward in insuring humane treatment of animals.

As one woman put it: "David Stockman has finally done the unthinkable. He has kicked the family dog."

Mr. Speaker, how much longer must we put up with this?

NEIGHBORHOOD WATCH PROGRAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1985

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation which could provide valuable communications assistance to our Nation's neighborhood watch and crime watch programs. Neighborhood watch programs involve members of the community in patroling their own neighborhoods and reporting crimes or other unusual behavior.

This legislation directs the Federal Communications Commission [FCC] to review the feasibility of establishing a CB station for these crime prevention groups and issue recommendations within 1 year.

In conducting this study, the Federal Communications Commission would examine four important areas:

First, it would examine the benefits of assigning channel 11 for the exclusive use by neighborhood watch programs.

Second, it would address its effective use in densely populated areas which may have several neighborhood watch programs.

Third, it would review the current ability of neighborhood watch programs to use the general use channels, including the emergency frequency, channel 9.

Finally, it would review the adequacy of the present emergency channel, channel 9, if channel 11 is not established for exclusive use by these groups.

Since the inception of these crime-prevention groups, their ability to communicate effectively with each other and law enforcement agencies has been restricted. I believe the passage of this legislation would allow neighborhood watch groups to perform their duties more effectively while at the same time use the CB communications system to its fullest extent. Research and statistics show that neighborhood watch groups have proven to be a positive crime deterrent. I want to enhance this valuable crime prevention program by improving the communications network. I urge my colleagues to support this legislation.

H.R. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall conduct, and take final action in, a proceeding for the assignment of a particular channel in the citizen band radio service for use by neighborhood watch programs.

(b) In conducting the proceeding under this Act, the Federal Communications Commission shall consider—

(1) the benefits of assigning the frequency of 27.085 megahertz (channel 11) for the exclusive use of neighborhood watch programs and the likely extent of such use, both in the short-term and the long-term;

(2) any administrative problems which may arise, including enforcing the exclusivity of its use;

(3) the monitoring of the channel by State and local law enforcement agencies, including means to facilitate such monitoring;

(4) means of ensuring its effective use in densely populated areas with numerous neighborhood watch programs;

(5) the extent of use of the general use channels (including the emergency and traveler assistance channel, channel 9) and their capacity to be used on a regular basis for neighborhood watch programs;

(6) the adequacy of the existing emergency communication channel (channel 9) for emergency and traveler assistance if channel 11 is not assigned for such programs; and

(7) such other matters as it considers appropriate.

(c) The Federal Communications Commission shall provide opportunity for public comment in the proceeding under this Act.

SEC. 2. As used in this Act, the term "neighborhood watch program" means a crime prevention program—

(1) which is established for the purpose of assisting in the reporting to law enforcement officers of suspicious persons or circumstances in urban, suburban, and rural residential areas; and

(2) which is established by or affiliated with a State or local law enforcement agency.

RELEVANT FACTS FOR DAVID STOCKMAN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1985

Mr. BEREUTER. Mr. Speaker, I invite my colleagues to read the fol-